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IMPERIAL SAND DUNES RECREATION AREA
DRAFT ENVIRONMENTAL IMPACT STATEMENT
RECREATION AREA MANAGEMENT PLAN
BUREAU OF LAND MANAGEMENT

PUBLIC HEARING
APRIL 23, 2002

YUMA CIVIC AND CONVENTION CENTER
1440 WEST DESERT HILLS DRIVE
YUMA, ARIZONA

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April 23, 2002
7:00 p.m.

MR. LEWIS MICHAELSON: Good evening. Could I ask everyone to take their seats who are planning on attending this meeting? Alright. We will see if we can get that a bit louder for you.

My name is Lewis Michaelson. I work for Katz and Associates. I am not a BLM employee. I was hired by the Bureau of Land Management specifically to moderate the six public hearings that are being held for the Environmental Impact Statement on the Recreation Area Management Plan, which as you all know, is the purpose of tonight's meeting.

I don't have any substantive role in the documents, preparation or analysis whatsoever. I am strictly here in a process role capacity and that is to ensure that we have an efficient and orderly and fair opportunity for everyone who came here tonight to make their comments, to do so without interruption and with the respect that those comments deserve.

A little bit of housekeeping. If you have cell phones or pagers, I would appreciate it if you would turn them off now. I think I remembered to turn mine off. And also most of you are probably familiar

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with this facility, but in case you are not, if you go that direction in the building, you will find restrooms. However, these doors are locked on the outside. So if you go out one of those doors, you will

5 need to come back in through the front.

6 Okay. The purpose of tonight's meeting
7 is, as I said, related to the Environmental Impact
8 Statement. This is a time for you to review the
9 document that's available, 250 copies were mailed out,
10 and they are also available on the website for review.

11 And the Bureau of Land Management is here
12 to hear you firsthand. Written comments are given the
13 same weight and consideration and so for those of you
14 who are not comfortable with public speaking, you don't
15 have to make your comments orally. You can make them in
16 writing and they will be given, as I said, exactly the
17 same weight and consideration.

18 But for those of you who are comfortable
19 with public speaking and have come here to do that
20 tonight, it's very important that we maintain a kind of
21 atmosphere that makes it possible for everyone to make
22 their comments and not be intimidated because it's
23 intimidating enough as it is to get up in front of this
24 many people and speak.

25 Later, very soon, we are going to have a

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1 presentation, series of quick presentations by the panel
2 you see up here. It should take about 30 minutes. And
3 during that time one of the things that Lynette Elser
4 will cover are the types of comments that are helpful in
5 this process. So I think you will see this process has
6 been designed to help you be as effective in your
7 commenting as possible.

8 The agenda then tonight is really fairly
9 simple. We will have introductions of the panel, their
10 presentations and then we will take a very short recess
11 to reconfigure a little bit for the speaking part. No
12 more than probably two or three minutes. And then from
13 that point on, the rest of the evening belongs to you to
14 make whatever comments you would like to make.

15 For those of you who may have been at the
16 El Centro meeting where we had a two-minute time limit,
17 there has been a modification made to that and that is
18 the initial opportunity to speak will also consist of
19 two minutes, but for those of you who have more that you
20 would like to say, if we have exhausted all of the
21 people who have turned in speaker cards and it's not yet
22 10 o'clock, then you can sign up again for a second
23 helpings and at that time you can speak for another five
24 minutes, which would probably be enough time to get
25 almost anything you have to say on your mind out on the

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1 public record.

2 I should also mention that there are a
3 few handouts you should have gotten when you came in.
4 This is the public comment guideline; it's a yellow
5 sheet. Again for those of you who want to send in
6 written comments, that makes it very clear how to do
7 that. Hopefully you also got a blue sheet. This is one
8 that you can actually write your comments on if you want
9 and you can turn them in tonight before you leave if you

10 care to and save yourself some postage.

11 The other very important thing are the
12 speaker cards. If you want to speak, it's necessary to
13 sign up. I will be calling on people in the order in
14 which they signed up to speak and you turn those in at
15 the registration table. Attached to those are the
16 ground rules for speakers and I will go over those in
17 more detail when we actually get to that part of the
18 program.

19 With that, I would like to ask each of
20 the members of the panel to introduce themselves and
21 then Greg Thomsen will give the introduction.

22 MR. BOB HAGGERTY: I'm am Bob Haggerty, a
23 ranger out at the El Centro Field Office.

24 MR. GEOFF SPALDING: My name is Geoff
25 Spalding. I work with CH2M Hill, the organization that

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1 was hired by the BLM to assist in the preparation of the
2 Environmental Impact Statement and the Biological
3 Assessment.

4 MR. NEIL HAMADA: My name is Neil Hamada. I'm
5 the Dunes Manager.

6 MR. GREG THOMSEN: Good evening. I'm Greg
7 Thomsen, the BLM Manager from El Centro.

8 MS. ROXIE TROST: I'm Roxie Trost. I am the
9 Resource Chief and Project Lead on the Draft
10 Environmental Impact Statement.

11 MS. LYNETTE ELSE: I'm Lynette Elser, I am
12 the Environmental Coordinator for BLM.

13 MR. LEWIS MICHAELSON: Greg, before you get
14 started, I just wanted to mention to those people who
15 are standing in the back, there are actually still a lot
16 of seats throughout the auditorium here and the Fire
17 Marshal would probably prefer that you were seated
18 instead of standing and in that way after we fill up all
19 the chairs, if we happen to get more people, the
20 standing area in the back will be available for them.
21 There are several seats up front and I see a couple
22 seats in many, many rows. So please feel free to fill
23 those in.

24 Thank you. Mr. Thomsen.

25 (At this point the court reporter was

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1 instructed to go off the record during presentations.)

2 MR. LEWIS MICHAELSON: Go back on the record.
3 Okay. We are going to take about just a three-minute
4 recess to reconfigure this space up here for taking
5 public comments. This would be a really good time for
6 those of you who are in the back and standing again to
7 come up and fill in the seats. We are in danger of
8 having the Fire Marshal come in and start telling us we
9 have to remove people.

10 So, please, if you are standing, come
11 fill in the seats and stick with us for about three
12 minutes.

13 (Brief recess.)

14 MR. LEWIS MICHAELSON: Okay. We are ready to

15 get started again. If I could ask people to take their
16 seats. Okay. We are ready to go. I have approximately
17 35 speaker cards that have been turned in to me so far.
18 So you can do the math on that. We will be here for a
19 little while at two minutes and then there might be
20 people who might want to take us up on the second
21 helping.

22 I will explain that again for those of
23 you who were not at the beginning here. We have
24 modified slightly from the first meeting in which
25 everyone had a limit of two minutes. That will still be

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1 true for your first turn, but you will be allowed to
2 take your second turn for up to five minutes and we will
3 have you fill out another card for that should you
4 choose to do that. But if you would wait until we are
5 almost done with the two minutes so we can keep track of
6 that, that way we will know for sure you are coming up
7 for a second turn.

8 Let me go over the ground rules.
9 Everyone who filled out one of these speaker cards got a
10 copy of the ground rules for speakers and they are very
11 important in order to make sure this meeting goes
12 smoothly.

13 The first ground rule is that speakers
14 should address the panel. The reason that this is
15 important is, again, you can say everything you wanted
16 to say as long as you wanted to through written comments
17 and that would be a great way to get comments. But this
18 is your opportunity -- unique opportunity to address the
19 people who are involved in the preparation of this
20 document directly and to tell them what you have on your
21 mind. So the purpose in you being here and their being
22 here is for you to talk to them. So if you would
23 address the panel, we would appreciate it.

24 Again, we are asking you to provide
25 comments on the EIS. Lynette gave you very good ideas

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1 about the types of comments that are relevant and to
2 help them in the preparation of final the Environmental
3 Impact Statement. And just to be clear, this will not
4 be a question and answer type format. So you can ask a
5 rhetorical question, you can ask a question on the
6 record, but we will not be having responses from the
7 panel tonight.

8 But we ask that you respect the time
9 limits as I have outlined them. And in order to make
10 that really easy for you to do, when your first minute
11 and a half is up, I will hold up this sign. It says "30
12 seconds". That way you will know that your time is
13 about to end and it will enable you to find a
14 comfortable place to wrap up your comments.

15 So in addition to addressing the panel,
16 if you would make sure that you occasionally look my
17 way, that way you won't miss the sign and you won't have
18 me cutting you off. So you might want to look my way
19 occasionally.

20 As I said before, when they do surveys of
21 Americans, they find that the most fearful thing for
22 most people is speaking in public. More Americans would
23 rather have root canal surgery than to speak in public.
24 It's true. So we want to make sure that people feel
25 comfortable, they don't feel intimidated and that they

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1 get to use all of their two minutes.

2 So we would ask that you respect
3 everyone's comments. You are here because you feel
4 passionate about something. Everybody here feels a
5 passion; that's why you are here. But we also expect
6 you may hear things that you disagree with. That's the
7 purpose of the meeting; is to hear all points of views.

8 So we ask you to show respect and refrain
9 from any expressions of displeasure or even support
10 while people are speaking so that they won't be
11 interrupted and won't be intimidated.

12 Your time -- your two minutes is not
13 transferable. That's really not much of an issue given
14 that you will be able to have a second turn if you would
15 like for up to five minutes. And again, we would
16 appreciate it in order to keep this on a high plain that
17 you address your comments towards the issues and not
18 against or about individuals or groups with whom you may
19 not agree.

20 With that, this first row up here on your
21 right -- on my left -- we are going to make the speaker
22 waiting area. The advantage of that is I will call
23 ahead the first five or six names and I will continue to
24 do that throughout the evening. As you hear me call
25 that group of speakers, if you would make -- wherever

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1 you are in the room, if you would make your way up to
2 this front row, that way when I do call your name to
3 actually speak, you won't have to spend two minutes
4 walking, you know, the plank here in order to get all
5 the way up here. That will make it easier for you and
6 it will also make it a more expeditious process.

7 And that's pretty much all of the do's
8 and don'ts. And with that, I would like to go ahead and
9 read the names of the first five speakers. I will
10 apologize in advance if I mispronounce anyone's name and
11 if the spelling of your name is not clear, I may ask you
12 to spell that as well. And if you would begin your
13 comments, please, by stating your name.

14 This first one, as a matter of fact, I am
15 having a little difficulty reading. It looks like J.P.
16 Melchionne, followed by Frank Bonnet, Al Krieger, Ken
17 Rosevear and Lucy Shipp.

18 So again, if you would come down please
19 and sit in this front row here and then as I call your
20 name, go to the podium, to that microphone.

21 And I may not have mentioned earlier;
22 seated right in front of me is a court reporter. So if
23 she can't hear you for whatever reason or you are
24 talking too fast or anything is getting in the way of

25 her being able to record what you are saying, I may ask
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1 you to slow down, I may give you some direction, I may
2 ask you to speak louder if we can't hear you. And if
3 she has to take a break or change paper, whatever, we
4 could also have to take a break for that as well.

5 So I think you know now what to expect
6 and what is expected and with that, I would like to call
7 on J.P. Melchionne. If would you spell your last name
8 for us. Thank you.

9 MR. J.P. MELCHIONNE: My last name is
10 Melchionne, M-E-L-C-H-I-O-N-N-E. My name is J.P.
11 Melchionne and I represent the Yuma Chapter of People
12 for the U.S.A.. Mr. Chairman, members of the board, the
13 BLM solution contained in the new dunes management plan
14 is in reality no solution at all. It's the government
15 and the BLM caving into the demands of a few powerful
16 non-governmental entities. Entities that receive our
17 tax dollars in the form of government grants and use
18 those tax dollars under the auspices of the Endangered
19 Species Act to wrest from our citizens their right to
20 use our public land.

21 The Center for Biological Diversity is
22 not interested in the protection of endangered species.
23 Their long term goal, plain and simple, is the complete
24 closure and control of our public land.

25 The Endangered Species Act appears to
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1 give legal standing to just about anyone who claims to
2 be concerned about any plant and/or animal on the face
3 of this earth.

4 There are people who have never been west
5 of Yankee Stadium who have filed suit on behalf of
6 various western flora and fauna. These groups use junk
7 science and sometimes outright lies to push through
8 their radical agenda and who is it that ends up paying
9 the price?

10 Well, according to figures compiled --
11 financial figures compiled, the dunes represent a
12 financial impact of 13 million dollars on businesses in
13 the Yuma area and a 30 million dollar impact on Imperial
14 County businessmen. Discussions with local business
15 owners and government leaders convince me that those
16 figures are at best conservative.

17 Be that as it may, the fact is our local
18 business owners here in Yuma and many in Imperial County
19 will be the ones who pay the price.

20 Many families have invested a good deal
21 of time, effort and resources in the camping and
22 off-road equipment they use when they come to visit the
23 dunes. Those families will pay the price.

24 In denying access to one more piece of
25 our country, another small bit of our freedom will be
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1 lost and, therefore, all Americans will have paid the
2 price.

3 We don't need more of the dunes area

4 closed down. We don't need more restrictions based on
5 complaints from the Center for Biological Diversity or
6 their friends in Tucson. We need the BLM to recognize
7 that public land means public land. Not government
8 land.

9 MR. LEWIS MICHAELSON: Thank you, Mr.
10 Melchionne.

11 MR. J.P. MELCHIONNE: As public land, it
12 should be open to all.

13 MR. LEWIS MICHAELSON: Thank you, Mr.
14 Melchionne. Frank Bonnet.

15 MR. FRANK BONNET: My name is Frank Bonnet and
16 I have a first comment to make, sir. I am a dentist and
17 if you will come to my office, I will do a root canal
18 without any pain.

19 We have a couple of alternatives that
20 have been presented to us -- actually four -- and mostly
21 we talk about two of them. One is the Preferred
22 Alternative and the other is probably the Number One
23 Alternative, the alternative that says we leave things
24 as they are for right now.

25 I am in favor of the Number One
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1 Alternative. I am not in favor of the other
2 alternatives; especially at this time the Preferred
3 Alternative. Not because I don't want progress, but
4 because I think very strongly that we need to give Mr.
5 Haggerty and his people an opportunity to clear the
6 dunes of the people who are creating our problems.

7 We seem to in our alternatives be
8 addressing the fact that we have lawlessness and we have
9 too many people and that we are overrunning the sand
10 dunes and also there are concerns for people's safety
11 because of lawlessness, etcetera.

12 It's my belief and I know it's a belief
13 of alot of other duners that the enforcement of the
14 existing rules and regulations -- we just had some new
15 regulations given to us this past year, which were that
16 group included not riding in the back of pickup trucks.
17 That if we give the law enforcement arm of the BLM and
18 the local sheriff and highway patrol the opportunity to
19 control the lawlessness and those entities which are
20 creating our problems and give it a couple of years to
21 see where we are going with it, I realize there is a lot
22 of work involved in what you folks have all done and you
23 are to be applauded for spending our tax dollars in such
24 a good way, but --

25 MR. LEWIS MICHAELSON: I'm sorry, Mr. Bonnet.
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1 That's the two minutes.

2 MR. FRANK BONNET: Okay. Thank you.

3 MR. LEWIS MICHAELSON: Thanks very much. Al
4 Krieger.

5 MR. AL KRIEGER: My name is Al Krieger. And I
6 have a newspaper here, the Yuma Daily Sun dated
7 Saturday, March 30th. I would like to show you that
8 please. Notice the headline?

9 MR. LEWIS MICHAELSON: I can't hear and she
10 can't get anything. You need to either give it to them,
11 but I need you to make your comments up there. Okay?

12 MR. AL KRIEGER: Thank you. The picture --
13 the headline says: "No one pleased with new dunes
14 plans" and the picture has a woman on there looking
15 extremely upset. The fact is the picture has absolutely
16 nothing to do with the headlines. And most of the stuff
17 that the Center for Biological Diversity feeds the
18 federal agencies has absolutely nothing to do with what
19 actually happens in the sand dunes and what local people
20 here have to contribute.

21 As Mr. Melchionne said, the goal of these
22 environmental groups is to deprive the public of public
23 land and public access. They will lie, just as I lied
24 right here and tried to feed you untruths, half truths
25 to get their way. They have a war chest that is

0017 1 unbelievable and they will go to all means just as the
2 next paper says war from dunes -- war over dunes far
3 from over. Environmental group might seek court-ordered
4 closure of the entire area. No. They will seek closure
5 of all public lands. Ask them and they will tell you
6 that.

7 Thank you.

8 MR. LEWIS MICHAELSON: Ken Rosevear.

9 MR. KEN ROSEVEAR: Good evening, panel. My
10 name is Ken Rosevear, I am the Executive Director of the
11 Yuma County Chamber of Commerce. My job is to protect
12 the economic viability of greater Yuma County.

13 The Yuma Chamber represents over 900
14 businesses and organizations countywide. We have been
15 working on the sand dunes recreation issue for over two
16 years. The Yuma Chamber feels that the scientific
17 studies that have been completed by the off-road
18 community has shown that the Pearson's milk vetch is a
19 climatic issue and not an off-road issue.

20 Simple fact; more rain, more plants.
21 Less rain, less plants.

22 Now we are faced with an entire set of
23 new proposed rules which would consider visitation
24 limitations, speed limits, nighttime closures, wind
25 speed restrictions, alcohol bans, written examinations

0018 1 and the list goes on.

2 None of these appear to satisfy the
3 extreme environmental community. This morning's Yuma
4 Sun quotes the CBD as saying that if the plan is put
5 into place for opening the dunes areas, they will move
6 for total closure.

7 The Yuma business community is extremely
8 troubled with people from Tucson telling Yuma what is
9 good for Yuma.

10 Here are over 400 E-mails that outline
11 just the expenditures spent by people visiting the
12 dunes. The greater Yuma Chamber of Commerce thinks the
13 number is much greater than 15 million dollars.

14 The conditions of your RAMP proposal will
15 hit us square in the cash register. The BLM must face
16 the fact that the people you are dealing with will not
17 be satisfied until they close the dunes. They will
18 continue to take you to federal court and tie this up
19 forever. It's apparent that they do not want to be a
20 partner.

21 Let's stop this nonsense. Open the
22 dunes, protect the economy of the community, perpetuate
23 off-road recreation that has flourished for generations
24 and is working to improve itself. The economy of this
25 country is driven by the free enterprise system. We ask

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1 that you keep our public lands public.
2 Thank you.

3 MR. LEWIS MICHAELSON: Thank you. Next group
4 of speakers will be Sarah Woodman, James Underhill, John
5 Fugate, Ross Hieb and William Conrad. If you please
6 come up to the speaker waiting area here in the front
7 row on my left -- your right.

8 Sarah Woodman, you are first. Thank
9 you. Remember state your name for the court reporter.

10 MS. SARAH WOODMAN: Good evening. My name is
11 Sarah Woodman. I had a few more points that I wanted to
12 point out, but they have already been said by a couple
13 other people.

14 I just want to talk a little bit about
15 the curfew, as far as the curfew at the major night
16 hills is concerned. I don't feel it's right, but I do
17 see the reasoning behind it. I just don't think that
18 you should let a few bad seeds spoil all the fun for
19 everybody.

20 Also I do think that as citizens we have
21 a right to be safe and protected in our surrounding
22 area, but we also have a right to use that area. We
23 have a right to use our public land and a curfew might
24 keep a few rangers safe or maybe even all of them, but
25 it also violates other personal liberties that are

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1 beyond the needed point of doing it.

2 Perhaps the solution in establishing a
3 curfew is doing one kind of like they do in the city.
4 You know, minors have to be in by 10:00 o'clock. In the
5 county it's a little different, I believe.

6 Maybe if you guys did something like
7 that; unless they are accompanied by an adult. That's
8 basically all I have to say.

9 MR. LEWIS MICHAELSON: Thank you. James
10 Underhill.

11 MR. JAMES UNDERHILL: Hi. I'm James
12 Underhill. I am with a fifth generation Underhill
13 Transfer Company, family business here in Yuma,
14 Arizona.

15 A lot of what Ken said and everybody else
16 really touched my heart and they did a wonderful job and
17 I know you are listening and god bless you for that.

18 I could have said I am with UTC,

19 Incorporated, which probably would have made as much
20 sense as CH2M Hill, which I have no clue what that
21 means. And a few other problems here.

22 The one thing that's really on my mind is
23 my children, my grandchildren. I think that's in
24 everybody's mind; is we have got a communication
25 problem.

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1 Again, I'm a third generation of a
2 fifth-generation family. And if the Sierra Club and the
3 Biological Diversity people out of Tucson and anybody
4 else involved on closures or semi-closure of the sand
5 dunes would come forward and legitimately sit and talk
6 with the -- our side -- if that's a different side --
7 over the issues of the closure of the sand dunes and
8 take some blinders off and work together, I think all of
9 this would go together and come out to a positive
10 standpoint where you BLM people would have a lot easier
11 job and you would have more of a direction of what your
12 jobs are.

13 All I hear in the news and basically from
14 friends and neighbors is: Let's shut her down. That's
15 a feather in our cap. Let's get rid of this. And the
16 rest of us people that like to go out and enjoy and
17 conserve our outdoor properties are obviously very
18 concerned with that.

19 The only last thing I want to say is
20 there is two different words that are getting mixed up
21 here. One of them is preservation and the other is
22 conservation. Preservation is to shut an area down and
23 preserve it forever where you look at it from a
24 distance. Conservation is where you use an area, you
25 replenish it, you take care of it and you continue to

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1 enjoy the outdoors.

2 We are conservationists; not
3 preservationists. Thank you.

4 MR. LEWIS MICHAELSON: John Fugate.

5 MR. JOHN FUGATE: Thank you. Name is John
6 Fugate, I'm President of the Yuma Valley Rod and Gun
7 Club.

8 Mr. Chairman, members of the panel, on
9 behalf of the club, I am providing comment regarding the
10 process development and implementation of the soon-to-be
11 amended Resource Area Management Plan regarding the
12 Imperial Sand Dunes.

13 One of our major concerns relates to BLM
14 employees being recorded in court documents as being on
15 the plaintiff side of issues regarding the dunes. If,
16 indeed, this is the case and as we have been led to
17 believe, this particular issue must be resolved
18 immediately. There is nothing wrong with employees
19 doing their job and providing factual information when
20 asked. There is a huge problem though when the
21 information is not accurate, provided in an
22 inappropriate fashion against the agency they work for.

23 At minimum these BLM employees should no

24 longer be involved in the process to determine public
25 use of public lands; particularly regarding the NEPA

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1 process for the dunes.

2 It is my firm belief on behalf of our
3 organization BLM has a responsibility to, first, get all
4 the foxes out of the hen house. If you don't, how can
5 BLM as the lead agency justify to our organization or
6 anyone that we are not already beaten before we ever get
7 started?

8 In summation I leave you with this: It
9 is my belief no one in this meeting tonight are the ones
10 that took you to court. We are the ones who want to sit
11 down at the table and achieve consensus on appropriate
12 decisions that let us to continue to enjoy what we like
13 to do at the dunes. It is further my belief BLM should
14 manage our public lands appropriately from the El Centro
15 Field Office and not have to be subject to decisions
16 derived from some courtroom in San Francisco.

17 Thank you.

18 MR. LEWIS MICHAELSON: Ross Hieb.

19 MR. ROSS HIEB: Ross H-I-E-B. And I am
20 concerned that the EIS and the RAMP do not adequately
21 reflect the economic impact on those individuals in this
22 community who can least absorb that impact. They are
23 the folks that are not here this night because they are
24 working a second minimum wage job to maintain a
25 subsistence living in a community with 21 percent

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1 unemployment. They are people who will not camp,
2 picnic, hike or ride ATV's in the sand dunes because
3 they can't afford it. They are people who are at risk
4 of losing their jobs when this community loses the
5 economic benefit that will derive from the closures that
6 you recommend.

7 Not only that, you relegate their
8 families to that future because the tax revenues that we
9 do not derive from that economic use do not go to pay
10 our teachers and elevate the 48th worst public school
11 system in the nation hired to get them out. You are
12 relegating these people to a life of state-sponsored
13 economic dependency all for want of a weed that any us
14 would kill were it to arrive in our land.

15 Thank you.

16 MR. LEWIS MICHAELSON: Before I call the next
17 speaker, the next five, after Mr. Conrad will be Delman
18 Foote, Kathleen Godley. I think it's Dale Marler, Ron
19 Gage. And Mr. Conrad. If the other names I called
20 would please come up to the front row here and take a
21 seat at the first row here. Thank you.

22 MR. WILLIAM CONRAD: My name is William
23 Conrad. I am a 25-year -- 30-year veteran of the sand
24 dunes. A long-time sponsor of sand activities. I also
25 would like to take the opportunity to thank Mr. Haggerty

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1 and Mr. Hamada for the improvements that they've made up
2 at the dunes law enforcementwise.

3 My issue this evening is the ROS, the ROS
4 ratings for the various management areas at the dunes.
5 As they pertain to campsite size; whether it be in the
6 urban area, the semi-primitive or the limited use or the
7 Ogilby area. The approximate size of the campsites as
8 it's construed by the ROS ratings makes the campsites, I
9 think, in the urban areas about one quarter acre out in
10 the Glamis area where we often camp as well as the Dune
11 Buggy Flats area.

12 The campsite is enlarged to three acres.
13 The number of vehicles is still six primary vehicles to
14 a campsite. Three acres is about three times -- three
15 acres is -- or two acres too many for the existing
16 campsites out there. We have an average of 10 to 15
17 people in our group, ten to fifteen vehicles, and one
18 acre is what we generally use for our campsites and the
19 ROS rating skews that drastically simply to meet a
20 perceived visual affect in these semi-primitive areas.

21 I would like to see that addressed in the
22 future such to shorten or shrink down the size of the
23 camp areas so that we can have our large groups and
24 still keep the visitor capacity a little bit -- 54,000
25 is way, way too low for an average occupancy in the

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1 dunes. I think that should be addressed, if not
2 doubled, in the future plan before it's made a matter of
3 record.

4 MR. LEWIS MICHAELSON: Thank you, Mr. Conrad.

5 MR. WILLIAM CONRAD: Thank you.

6 MR. LEWIS MICHAELSON: Delman Foote. I may
7 have mispronounced it.

8 MR. DELMAR FOOTE: My name is Delmar Foote.
9 Last name F-O-O-T-E. I own a local business here in
10 town. It's the Cycle Shop. And, first, I believe that
11 all the closed areas for the last two years should be
12 reopened. And that the BLM has the data to prove that
13 the closures have had no impact on protecting the milk
14 vetch plant.

15 And trying to police these closures was
16 almost impossible and a total waste of taxpayer's
17 dollars and BLM's manpower. The ROS in the RAMP plan is
18 full of holes. It lacks proper information on how the
19 BLM will set limits on supply and how and when the
20 implement change -- they will implement change on
21 restrictions and usage of these areas and there is no
22 reset triggers.

23 In regards to the table of the ROS maps,
24 on the defining the different use areas; this will be
25 impossible to implement an imaginary line in the sand to

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1 fight over in court for years to come. The rangers
2 right now are having a hard enough time to determine
3 distances around camping areas to enforce the 15 mile an
4 hour speed limit. I can't imagine them trying to find
5 those lines in the sand.

6 On the issue of vending limits. This
7 should be limited only to the dates that support the

8 needs of the duners; Friday, Saturday and Sunday will
9 not accomplish that. This should also cover a longer
10 holiday weeks and some Mondays after the holidays. If
11 vendor permitting is a problem, raise the fees to the
12 vendors.

13 None of the plans are acceptable as
14 written at this time because they are very vague without
15 proper supporting data from studies and without total
16 funding from the government. This plan is in need of a
17 better -- well, all I want to do is I want to keep the
18 dunes open. Don't put a fence around it.

19 MR. LEWIS MICHAELSON: Okay. Thank you. I
20 notice most of the people who seem to have more to say
21 are speaking from prepared comments. So I just want to
22 encourage you again if you want to come back for a
23 second turn after everyone else has spoke, you can do
24 that or simply hand in the written comments that you
25 have prepared because written comments are given the

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1 same weight and consideration as oral comments given
2 here tonight.

3 My next speaker is Kathleen Godley.

4 MS. KATHLEEN GODLEY: My name is Kathleen
5 Godley. I am co-owner of a cycle shop here in Yuma. My
6 comments are directed to the Table ES2, Chapter ES5 and
7 ES6 of the Management Actions of the Executive Summary
8 of the DEIS Preferred Alternative.

9 A law enforcement co-op team was already
10 developed this past season with the Imperial County
11 Sheriffs receiving grants for law enforcement at no
12 additional cost to the taxpayers. This appears to be
13 working as the last three holidays have proven. We need
14 a longer trial period.

15 The plan addresses speed limits, but does
16 not state what the speed limit will be. An alcohol ban
17 outside of camp areas, but does not establish the
18 boundary for a camp area. The Competition Hill areas
19 could continue to remain open negating the need for
20 curfews if traffic was controlled into those areas
21 screening for alcohol users and so-called party-goers.

22 In regards to visitor use, there seems to
23 be no established formula that the BLM has admitted will
24 be used. Does my RV and trailer count as two separate
25 vehicles with an estimated 3.5 people per vehicle? It

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1 is too vague.

2 By your own admission the crowds this
3 past Easter were estimated at 50,000 and the existing
4 camping areas were only half full.

5 It has been shown that the milk vetch is
6 thriving in the open areas and doing just fine.

7 This battle has cost the BLM 18 million
8 dollars that could have been spent in better ways. The
9 past one and a half years have shown that off-roaders
10 can coexist with the environment.

11 The surrounding cities will suffer
12 economic losses as the visitor use is decreased by

13 restrictions. The BLM has estimated the Yuma revenue
14 generated per year by the dunes is 13 million dollars.
15 To limit the OHV use in areas by permit
16 will only segregate those who can and cannot use the
17 dunes; denying some their right to recreate. Their plan
18 does not say nor state how this test will be
19 implemented.
20 The current preferred proposals appear to
21 be a quick fix with only vague ideas of implementation.
22 MR. LEWIS MICHAELSON: Thank you, Ms. Godley.
23 Again, if you want to turn that in. Mr. Dale Marler.
24 MR. DALE MARLER: Dale Marler, M-A-R-L-E-R.
25 MR. LEWIS MICHAELSON: Thank you.

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1 MR. DALE MARLER: Representing Yuma Chapter
2 People the U.S.A.. I don't have a big, lengthy prepared
3 statement. Just one small note I would like to make.
4 Number one, your EIS is specious and the
5 science driving it is disingenuous. It is -- does
6 constitute government action which constitutes
7 government protection. We request that protection under
8 USC Title Five, Part 1, Chapter 6, Section 610,
9 specifically DNC, B(1) -- (2). I'm sorry. Thank you.
10 MR. LEWIS MICHAELSON: After I call Mr. Gage
11 up, the next five speakers that I would like to come sit
12 in this area up here are -- again, I am having trouble
13 with some of spellings here. Don McCain, Cary Meister,
14 Greg Ferguson, Jeff Wilson and Lynn Howard. If you
15 would come up and sit in the front row up here, I would
16 appreciate it. Mr. Gage.
17 MR. RON GAGE: Good afternoon. My name is Ron
18 Gage. After reviewing the RAMP, I find many things
19 which I feel intrude upon my right to enjoy the freedoms
20 of this land and provide no benefit short of enlarging
21 the federal payroll and appealing some malcontents.
22 The thought of being forced into pens on
23 which to camp with 3.5 others and restricted on the time
24 of the day or night I or my family could ride and what I
25 made rank and where or how I must travel to and from the

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1 dunes is to me a little bit unbelievable.
2 The RAMP makes a big issue of maintaining
3 the natural beauty of the dunes, then builds ticket
4 booths, LZ's -- or Landing Zones for those of you who
5 haven't been away -- police encampments, housing,
6 storage buildings, monitoring devices, unlimited markers
7 and countless other objects, devices, employees designed
8 to restrict my use of public lands for which my tax
9 dollars are taken to support.
10 I remember riding in the north dunes
11 before they were closed -- and I have been riding since
12 1959 here -- to protect the natural habitat. Now you
13 look over there and you see the scores of people walking
14 there and enjoying the natural beauty and you can count
15 them on one hand at the busiest time and most of them
16 are illegals coming through.
17 MR. LEWIS MICHAELSON: Excuse me, Mr. Gage.

18 Maybe some of the people weren't here when we first
19 started, but we cannot have any outbursts while people
20 are speaking. You are taking up his time. I am serious
21 about this. This is a meeting, an opportunity for you
22 to speak to the Bureau of Land Management and I need it
23 to be quiet while somebody is offering their comments.

24 You may continue.

25 MR. RON GAGE: Thank you. And I would submit
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1 that you are very little in landscape or critter changes
2 between then and now. I have yet to see an avid
3 birdwatcher sharing a sunrise with my family and I from
4 the top of Oldsmobile Hill in June, July or August of
5 the year.

6 In closing, I would like to touch on the
7 economic impact of the dunes from one man's perspective;
8 that being me. I've bought over 22 off-road capable
9 vehicles over the years. I bought homes here. I moved
10 back here. I own travel trailers and things and all
11 were bought for the sole purpose of recreating.

12 Regardless when I wanted to go play for
13 peace of mind or relaxation or to share time with my
14 family or friends, I haven't had to make an appointment,
15 attend a class on the flathead tail lizard or see if the
16 Pearson's milk vetch plant was strong enough to put
17 through my tires.

18 Looking back, the plants, animals and I
19 have mutually participated in the use of our --

20 MR. LEWIS MICHAELSON: I'm sorry, Mr. Gage.

21 MR. RON GAGE: Thank you very much.

22 MR. LEWIS MICHAELSON: Thank you very much.
23 Don McCain.

24 MR. DON McCAIN: I am passionate, scared Don
25 McCain. I was born and reared here; so I go back quite

0033
1 awhile. Fact is when they were making movies over there
2 when John Wayne was doing it, my mother was a stand-in
3 for Ruth Hall. And we've used those -- Buttercup Valley
4 and all those things forever.

5 My concern is that we are all here
6 because of the Endangerment Species Act in some aspect.
7 The most endangered species in the United States today
8 is the family unit. I think we are trying to take too
9 many things away from the development of a good family
10 unit. We are building too many prisons to offset that,
11 looks like.

12 Please don't deny any family unit the
13 area that they would like to put their family on to bond
14 better and build better citizens from. Thank you.

15 MR. LEWIS MICHAELSON: Cary Meister.

16 MR. CARY MEISTER: My name is Cary Meister,
17 Conservation Chairman for the Yuma Audubon Society in
18 Yuma, Arizona.

19 BLM needs to adopt an alternative with a
20 better balance of management. The dunes are not just a
21 big sandbox to play in. They are not barren. They are
22 home to a variety of plants and animals, some threatened

23 and rare, many uniquely adapted to a shifting dune
24 environment. They all need better protection than the
25 proposed plan offers.

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1 The current balance between open and
2 closed areas is what BLM should adopt.

3 Pearson's milk vetch is not a weed. It's
4 just a threatened plant trying to live in its natural
5 home. It was there long before humans. Keep the
6 current closed areas closed to protect it.

7 Other members of the same genus as
8 Pearson's milk vetch are currently being studied for
9 their medicinal properties. Some have long been used in
10 herbal medicine. Who would have suspected that the
11 saliva of Gila Monsters may prove effective in treating
12 Alzheimer's disease. It may turn out that Pearson's
13 milk vetch will some day save the life of someone in
14 this room. We need to continue to protect it.

15 The closures for Pearson's milk vetch did
16 not cause the violence that occurs in the dunes. It was
17 there before the closures. A whole year before in 1999
18 after a particularly bad Thanksgiving weekend, Sheriff
19 Carter of Imperial County said, quote: "I am going to
20 recommend they start treating Glamis similar to how they
21 treat other state parks. When they are full, they are
22 full."

23 In its economic analysis BLM needs to
24 look at the costs as well as the projected benefits.
25 Taxes that are spent for policing the dunes need to be

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1 deducted from any projected economic benefits to get a
2 more realistic total. And the closures haven't stopped
3 people from coming to the dunes. In fact, since the
4 closures there are more than ever.

5 Why is BLM calling this plan a Recreation
6 Area Management Plan? The dunes are more than just
7 recreation. They are also a natural environment. BLM
8 should do a more general management plan that balances
9 all aspects of management, including natural values,
10 rather than favoring recreation --

11 MR. LEWIS MICHAELSON: Thank you, Mr.
12 Meister.

13 MR. CARY MEISTER: Thank you.

14 MR. LEWIS MICHAELSON: Thank you. The next
15 speaker is Greg Ferguson.

16 MR. GREG FERGUSON: Good evening. I'm Greg
17 Ferguson. I work for the Arizona Department of
18 Environmental Quality. But I'm not here today
19 representing them, but I would like to present some
20 views that I have noticed in doing my job.

21 Every action seems to have an unexpected
22 result. My concern with the current and future closures
23 of the dune area is that the folks get here, the dunes
24 is closed, so they continue east on I-8 and they get off
25 and camp or drive on private property. And, yes, every

0036

1 bit of land between here and Gila Bend along our freeway

2 is private property.

3 Also, or even worse, they stop here in
4 Yuma. We have had a dramatic increase of off-road
5 driving at the Interstate and 3E, right down the road
6 here about half a mile across from Yuma Nursery, Avenue
7 9E out in the Foothills, and out in the Foothills area
8 between the Interstate and the Barry Goldwater Range.

9 And I am not the only one that notices
10 that. That's my job; I get a lot of complaints on dust
11 from off-roading out there.

12 When this activity takes place in
13 metropolitan areas, it definitely causes health problems
14 and decreases the quality of life for everybody.

15 I guess what I'm trying to say is that
16 the dunes are public lands and there are no residential
17 areas within 18 miles -- I believe Yuma is the closest
18 residence -- and the perfect place for this type of
19 recreational activity is at the dunes, not in
20 residential areas.

21 I hope the EIS will look at the impact on
22 public health because I think you did look at the
23 economic impact on Imperial Valley, Mojave, La Paz and
24 Yuma Counties and we are seeing more problems as the
25 dunes is closed or limited. Those people are moving out

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1 in the private property areas or into the areas of the
2 metropolitan areas and causing problems.

3 Thank you.

4 MR. LEWIS MICHAELSON: Jeff Wilson.

5 MR. JEFF WILSON: I apologize. I don't have a
6 prepared speech. I am new back to Yuma after --

7 MR. LEWIS MICHAELSON: State your name
8 please.

9 MR. JEFF WILSON: Jeff Wilson, local business
10 owner that relies heavily on the dunes recreation area.
11 And, again, I don't have a prepared speech. I am new
12 back to Yuma after being gone for 13 years, but I grew
13 up in the sand dunes. Since I was 11 -- 12 my father
14 and I built a sand buggy. And just the enjoyment, the
15 family thing we are talking about.

16 It seems unfair. It seems like this is
17 all controlled by people that don't even use the dunes
18 and we need to really understand that and not rely on
19 and let the lawyers decide. I mean, show the people
20 that you work for the government and not for the Sierra
21 Club or not for these other folks. Help us out. Help
22 us in Yuma.

23 I would gladly open my books and my
24 business to any of you folks that want to see how much
25 effect it would have. At a minimum I probably -- with

0038

1 these closures that you discussed, we would have to lay
2 off 50 percent of the staff and cut the business by 50
3 percent and look for a smaller building.

4 Thank you very much.

5 MR. LEWIS MICHAELSON: Next speaker will be
6 Lynn Howard. The next five after that will be Flash

7 Farrar, Rini Hagemann, John Colvin, Gordie Rivera and
8 Marie McGee. Mr. Howard.

9 MR. LYNN HOWARD: Hi. My name is Lynn
10 Howard. I live here in Yuma. A few things I have to
11 say. There are people that are talking about the plants
12 and the animals and stuff that are being affected by
13 this, which their own surveys done by Fish and Game and
14 stuff shows that the Pearson milk vetch, for example,
15 north of Highway 78 is existing fairly well. You know,
16 it's kind of sparse, but the area they check is real
17 heavy. They go south of Highway 78 and they check it
18 and they don't check it nearly as heavy as they do north
19 of Highway 78 and the plant itself is doing much better
20 in the area that we have duned in for years. And the
21 closed area that's been closed forever, it's existing,
22 but barely existing.

23 So there is something to do with that --
24 for the plant and animals to be doing better in the area
25 where it is by the surveys that have already been done.

0039

1 My next answer or I think -- question or
2 answer, whatever -- is about some of the new laws and
3 stuff that they want to bring up and as far as closing
4 the hills at night and drinking and doing things like
5 that. This is going to put a big burden on law
6 enforcement. Law enforcement in the last year has been
7 doing an excellent job. Things have been getting
8 better. The idiots that come out there and give us
9 trouble have been being taken care of a lot better. We
10 don't have the problems that we used to have. There are
11 still a few of them that are out there.

12 On the busy weekends we have plenty of
13 law enforcement. On the off-weekends the law
14 enforcement, I think, has dropped down to four people.
15 We need to pick that up on the off-weekend, take care of
16 these other problems and give it a couple more years and
17 you will find out without putting more rules,
18 regulations and everything else on what is going on, we
19 can take care of the problem as long as we have the
20 manpower to take care of it and everybody does their job
21 and not just make more rules.

22 Thank you.

23 MR. LEWIS MICHAELSON: Flash Farrar.

24 MR. FLASH FARRAR: My name is Flash Farrar. I
25 am a retired firefighter with over 30 years in the Fire

0040

1 Service. I am not an off-roader. I am a committee of
2 one. I represent no organization. I don't use the
3 dunes and probably never will.

4 My concern is not merely with the dunes.
5 My concern is what is taking place all across this
6 nation.

7 At this point I would like to ask these
8 ladies and gentlemen who they work for.

9 MR. LEWIS MICHAELSON: They are not answering
10 questions.

11

MR. FLASH FARRAR: Okay. Well, ultimately

12 they work for the President of the United States and he
13 works for me. Okay? Just put that in proper
14 perspective.

15 Quite frankly, I am fed up with the
16 liberal, pabulum-puking bedwetters trying to put the
17 whole world in a tightly sealed glass jar and the BLM's
18 cooperation towards this end. Our constitution gives us
19 the right and the responsibility to throw off oppressive
20 government. As far as I am concerned, the BLM has
21 become oppressive along with many other federal alphabet
22 agencies.

23 As a free American, I will go anywhere
24 that I have the last 60 years. If the BLM or the
25 liberal, pabulum-puking bedwetters have a problem with

0041

1 that, so be it. I am here to tell you it will be World
2 War III. This is not -- I repeat -- not a threat; this
3 is a promise.

4 Thank you.

5 MR. LEWIS MICHAELSON: I did not want to
6 interrupt Mr. Farrar, but I think if you would consult
7 the ground rules for speakers, that that was really not
8 in keeping with the tone that we are trying to establish
9 at this meeting. So -- excuse me. We have talked about
10 how intimidating it is to speak in front of a group of
11 people and I am just trying to maintain the kind of
12 atmosphere that makes it comfortable for everyone
13 regardless of their views.

14 I need it quiet in here. Ms. Rini
15 Hagemann.

16 MS. RINI HAGEMANN: No speech. I am speaking
17 from my heart. I have raised three children in the
18 dunes. Not one of them spends money for cocaine,
19 methamphetamines or anything that is in the drug world.
20 They spend their money on dune toys. They are in the
21 garage repainting, redoing, better engines, better
22 buggy, better quad, better golf cart.

23 This is why we moved to Yuma. We did not
24 like California. Everybody was angry. My children went
25 to school and none of their friends had two-parent

0042

1 families. The dunes is for families and recreation. If
2 you take it away, what will we have left? Go to drug
3 parties? Go to Mexico and drink booze? Shoot people
4 with guns?

5 You are there to represent us. You have
6 a very hard job. We need the dunes. That proposal you
7 have does not take in economic growth. Since 9-11 many
8 people do not have the money to go to the dunes, but we
9 are going to build again and we need more space, more --
10 that's not enough. 55,000. We have 39 people in our
11 dune buggy group. We got to tell our friends we are
12 limited to six. It can't work.

13 China took down their wall and we are
14 building new ones in United States. We need help. Some
15 of the things that you could do is make sure that we
16 have a good public image. Tonight's TV newscast -- and

17 I watched the news and it shows the beer bottle before
18 it shows the dunes. A public campaign would be good.
19 Trash bags that people can pick up when they go to the
20 dunes instead of throwing trash. They do it at Lake
21 Mojave; it doesn't cost much.

22 We give water to the people who are
23 coming across the border. There is no water at the
24 dunes.

25 Please help us and keep the families
0043 together.

1 MR. LEWIS MICHAELSON: Thank you, Ms.
2 Hagemann. John Colvin.

3 MR. JOHN COLVIN: Hello, folks. And thank you
4 for coming over here on a thankless job. It's not
5 enviable at all. I would like to reiterate everything
6 everybody has said except one. That shortens my speech
7 by about four days.

8 You are to be commended on your approach
9 here on this planning. I was with the Soil Conservation
10 Service for 25 years; most of it here in Yuma. And we
11 learned a process that works in planning and that's what
12 I understand some of this is supposed to be as a result
13 of the comments from this environmental statement.

14 First you inventory what you have or
15 had. That will go back as far as the Plank Road and
16 even beyond that to know how much vetch was out there
17 then. We need to know what we have got to work with and
18 then we need to figure on monitoring it to see how it's
19 going to work, how it's going to act under various
20 alternative conditions and then we make the decisions on
21 which way we are going to go. That's if you have to
22 have a plan and the law says that. NEPA will tell you
23 it says it.

24 Okay. Now, here's a question. You might
0044

1 think about these questions. This one first. What's
2 the difference in a paid lawyer and a rented lawyer?
3 There it is. That's a pretty deep thinking kind of a
4 thing and I wonder what kind of lawyers we are talking
5 about that bring these kinds of suits against us. It's
6 not against just the BLM. It's against the United
7 States.

8 I got a long ways to go yet. Okay. We
9 got ecology. What is ecology? It is a study. Ecology,
10 biology, geology, whatever it is; it's a study. The
11 environment; can we define an environment? What's the
12 environment in your stomach? It's where something is.
13 That's the whole thing of the world whenever we get
14 right down to it.

15 And preservation -- I think Jim Underhill
16 put it right on the head. Are you going to put that
17 thing in China cabinet or behind a fence or something,
18 you are going to preserve it.

19 MR. LEWIS MICHAELSON: Thank you, Mr. Colvin.
20 I will remind people that the rules allow for people to
21 have a second turn to speak if they would like to turn

22 in comment cards. We probably will soon reach the point
23 where I'll indicate at the time that -- to start filling
24 those out if you would like to do that.

25 Next speaker is Gordie Rivera.

0045

1 MR. GORDIE RIVERA: Panel, I would just like
2 to say a couple things here. One of the things --

3 MR. LEWIS MICHAELSON: State your name
4 please.

5 MR. GORDIE RIVERA: Gordie Rivera. I own a
6 performance shop here in town. And I just wanted to say
7 that -- I wanted to pick up on something one of the
8 panel said. One of the ladies; they said she wanted
9 facts. I would like to tell you that I have been in
10 business in Yuma, Arizona for 32 years. And that I have
11 seen the dunes from the day they basically opened up out
12 there. Guys been building their dune buggies and I have
13 never seen so many happy people come into my store.

14 I get about 100 people in there a day and
15 I don't know how many phone calls about the dunes.
16 What's happening and this and that. How many people are
17 interested. This is a pretty good showing that you see
18 here, but this isn't nothing compared to what the people
19 have talked to me about.

20 And I would like to say that I think that
21 you guys should listen more to these people that have
22 these working jobs that just spend their little money to
23 go out there and have a little fun. They are not out
24 there trying to tear things up. They are just trying to
25 have their fun their own way. And if 32 years I've been

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1 in business isn't enough proof, I don't know what is.

2 I would just like to see it continue
3 going to the next generation of people just like you
4 would like to see your name keep going in your family.
5 So let's keep the dunes open.

6 Thank you.

7 MR. LEWIS MICHAELSON: Before I call the next
8 speaker; the next five up after Ms. McGee will be
9 Stephen Replogle, Russell McCloud, Louie Hirth, Glen
10 Vandervoort and Dean Weingarten. Ms. McGee.

11 MS. MARIE MCGEE: Marie McGee. I am a
12 biologist from Yuma. And I would like to state that
13 currently about half of the dunes areas open to off-road
14 vehicle use and BLM's multiple use mandate includes
15 protecting natural areas for many specialized animals
16 and plants that live in the dune environment -- not just
17 the milk vetch or any other one plant or animal.

18 As a biologist, I can assure you that
19 research showing negative impact of off-road vehicle use
20 is not junk science. The dunes are a living ecosystem;
21 not an empty area of sand. Although sometimes they
22 appear that way in the daytime from the surface.

23 Despite the best intentions of people
24 using the dunes, the impact of tens of thousands of
25 vehicles over the dunes is extreme. And I think that

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1 keeping half of the dune area as a low-impact natural
2 area is not excessive.

3 I don't propose, you know, closing off
4 the dune area with a fence and not letting people in.
5 It's just that there must be more areas for low impact
6 and protect the environment.

7 So I cannot support any alternative that
8 opens additional areas to off-road vehicle use.

9 Thank you.

10 MR. LEWIS MICHAELSON: Stephen Replogle.

11 DR. STEPHEN REPLOGLE: I am Dr. Stephen
12 Replogle, R-E-P-L-O-G-L-E. No one here wants to trash
13 this area. Every single person in this room considers
14 this a valuable area. But an area unused is no area of
15 public land. Environmental impact is dictated primarily
16 by topography and difficulty of accessibility.
17 Motorizable areas are not going to have significant
18 impacts on the species in the area.

19 Sand dunes as a principal site of
20 activity are constantly in transition primarily to a
21 degree secondary to wind; not motorized traffic.

22 Making areas off limits, shutting down
23 areas at times of day and night, limiting campsite size,
24 requiring permits; this has no affect on the diversity
25 -- the biodiversity of this area. This is only about a
0048

1 socialistic land grab to restrict public rights to
2 public land. This is public land. Public access is
3 what is needed.

4 We pay half of our earned income in taxes
5 already and are we to be denied access to supposedly
6 public lands? If this is a representative democracy,
7 look around this room. What do you see?

8 MR. LEWIS MICHAELSON: Russell McCloud.

9 MR. RUSSELL MCLOUD: Thank you. My name is
10 Russell McCloud. I don't have a prepared statement. I
11 kind of decided to come out here today, but before I
12 did, I thought I would look on the website for the
13 Center for Biological Diversity to see what they had to
14 say. To my surprise it was very interesting.

15 Second paragraph: In some places
16 recovery of plant life on the dunes is obvious and
17 impressive after a summer of recovery.

18 Well, imagine that. We don't off-road in
19 the summer. It's a desert plant and that's the time it
20 will thrive.

21 Next paragraph: Conservationists want
22 the current negotiated closures to work, but warn that
23 additional violations will be carefully documented and
24 could force them to return to federal court to move for
25 complete closure of the dunes.

0049

1 Next paragraph: If leaving over 68,000
2 acres of the dunes opened to motor vehicles means
3 protected areas are still violated -- frequently
4 violated, then the whole place may have to be closed to
5 off-roading.

6 There is not a person in here that does
7 not know that you are not supposed to run a red light.
8 But our esteemed police department -- they have a task
9 force for red light runners. People will violate the
10 law. They know that. Their ultimate goal is complete
11 closure.

12 Later on down: No one wants to simply
13 relocate the problems. Really? Where will these people
14 go?

15 Another thing, you know, that I don't
16 know that's been addressed, but -- I don't know all over
17 this whole area with people being all over the whole
18 place -- has anybody thought the crumbs, the little
19 things that fall down on the ground? What feeds on
20 those? Insects that the horn lizard likes to eat? What
21 about the milk vetch? One thing you may not have heard
22 about or considered; when nature calls and you are out
23 in the sand, it seems to call from a bush or vegetation.

24 MR. LEWIS MICHAELSON: Thank you, Mr.
25 McCloud. Louie Hirth.

0050

1 MR. LOUIE HIRTH: My name is Louie Hirth. I
2 am a local businessman and I am also a representative on
3 the TRT. So I must tell you that I am impressed by our
4 opportunity to have you here in Yuma and to listen to
5 all of our citizens tell you how they feel about this
6 important issue.

7 Part of the process that I think really
8 has created a major problem here is the fact that the
9 environmentalists have really made a major issue of the
10 land closures in Southern California over the last
11 several years. The last time that I checked the
12 figures, it was about 156 plus land closures in the
13 Southern California area. And if nothing else has had a
14 major impact on the sand dunes, I do believe that it's
15 the fact that people don't have any place else to go and
16 so as a result, they have to come here.

17 Now, it seems to me that the work that's
18 been done by the BLM in the sand dunes -- much of it has
19 been very solid. Law enforcement, according to your
20 April 1 news letter that I received, was very, very
21 positive. The incident rates going down, the number of
22 the problems are going away. And I believe that will be
23 continued as long as we have the sand dunes and as long
24 as we have the effort of law enforcement and the BLM to
25 manage the land for our use.

0051

1 It is important that people have a place
2 to recreate. One of the things also that I recall that
3 when we were looking at the issues or some of the dollar
4 amounts and the impacts, one of things that I received
5 from my packet in TRT was the fact that after some
6 surveys were done, the actual dollar impact of the sand
7 dunes to the affected communities was 126 million
8 dollars. And of that 23 million was directly attributed
9 to the Yuma economy. That's a lot of money. And I
10 still think there is probably more; especially when you

11 have 200,000 people coming in to these sand dunes at
12 this particular time.
13 Anyway, thank you for listening to us and
14 I wish you well. Thank you.
15 MR. LEWIS MICHAELSON: Glen Vandervoort.
16 MR. GLEN VANDERVOORT: My name is Glen
17 Vandervoort. Good evening. Thank you for this
18 opportunity. I am also not very well prepared. But I
19 am not a duner, but I am an off-road enthusiast. I like
20 outdoors. I like to take my family out for picnics and
21 one of the worst things is driving out on a perfectly
22 good trail or up a wash is to run into this little sign,
23 a little stake that says: You can't pass there. But,
24 you know, I am not going to do any damage. I can't see
25 that.

0052

1 So my question is: Why is closure the
2 only acceptable mitigation in so many of these
3 circumstances? Why can't we have areas open? And, you
4 know, we are not all out there trying to tear up the
5 environment.
6 Also what I didn't hear tonight -- I'm an
7 organic date grower here in the valley and I would be
8 happy if you all wanted to hire me to grow some milk
9 vetch and I'm sure I could provide quite a few plants
10 and we could put them out there every year if that's
11 what was needed so you could have high counts.
12 So anyway, those are my offers and that's
13 about it. Thank you very much.
14 MR. LEWIS MICHAELSON: We are going to take
15 one more speaker and then the court reporter needs to
16 take a short break. Mr. Weingarten.
17 MR. DEAN WEINGARTEN: My name is Dean
18 Weingarten. I guess you want me to spell that.
19 W-E-I-N-G-A-R-T-E-N.
20 Mr. Facilitator, members of the panel,
21 thanks for coming; though I think you are getting paid
22 for it. So that's nice.
23 I would like to use rationality and logic
24 and let me go on record as desiring the first
25 alternative; that of no change. But rationality and

0053

1 logic don't seem to be in evidence much in what is
2 happening here. This is about the lawsuit for the
3 Center for Biological Diversity and the fact that they
4 can bring lawsuit after lawsuit because they have lots
5 of money to do so. It's about a tiny group of
6 environmental fundamentalists who wish to control the
7 land for everyone else.
8 I think we have seen tonight how many of
9 those environmentalists think that it's utterly
10 important here in Yuma. The response is overwhelmingly
11 against them, but they have enormous power for their
12 numbers because of the Endangered Species Act.
13 We have given these people the power to
14 control us through the Endangered Species Act. You can
15 help us remove this source of their power. You can help

16 us lobby Congress to repeal the Endangered Species Act.
17 That's what I think we need to do. Otherwise, we will
18 just have lawsuit after lawsuit.

19 Again, I urge everyone: Repeal the
20 Endangered Species Act. Thank you.

21 MR. LEWIS MICHAELSON: We are going to take a
22 five minute recess. Please don't go too far so we can
23 start again promptly. And we have approximately nine
24 more speakers before we go on to the second helpings.
25 Thank you very much. We are in recess.

0054

1 (Brief recess.)

2 MR. LEWIS MICHAELSON: Could I ask everyone to
3 take their seats again. We are going to go back on the
4 record. I have a number of people who want to speak.
5 So I would like to give them that opportunity to do it
6 as soon as possible.

7 Again, I am going to read ahead the first
8 five names. If I read your name, if you could come up
9 and sit in the speaker waiting area up to my left in the
10 front row.

11 The speakers in order coming up are:
12 Lucy Shipp, Les Bandimore, Jerry Hinkle, Junior, Marie
13 Pierce and C. Page Webster. Ms. Shipp.

14 MS. LUCY SHIPP: Thank you for being patient
15 with me. I am trying to wear two hats this evening over
16 at the Teacher of the Year.

17 I am Lucy Shipp. I serve on the Yuma
18 County Board of Supervisors representing District Two.
19 I spoke to you in El Centro on April 9 and I thank you
20 for this opportunity to address you once again.

21 First, I want to thank you for including
22 Yuma in your considerations. We are the Arizona gateway
23 to the Imperial Sand Dunes and every decision you make
24 concerning their use has an immense economic impact on
25 our local businesses.

0055

1 Any time 100,000 or more people visit our
2 area, we smile.

3 I also praise your obvious efforts to
4 base your decisions on valid scientific research and
5 data rather than on emotional rhetoric. I am pleased
6 that you did not include the current temporary closure
7 as one of the alternatives.

8 You obviously are making a concerted
9 effort to find a reasonable balance between sustaining
10 the environment and allowing the public access to enjoy
11 these public lands.

12 I commend you on the multi-use solution
13 inherent in your three goals. However, I would like to
14 ask you to reconsider several parts of the preferred
15 alternative draft plan.

16 The capacity limits; they are far too
17 restrictive and do not allow for annual growth. Any
18 limitations on the number of people visiting the dunes
19 have a negative impact on the economy of local
20 businesses in Yuma and the Imperial Valley.

21 The permitting process, with its written
22 test, appears to be unwieldly and impractical. Do you
23 have figures as to the cost for additional staff to
24 process the tests and monitor the permits? Has this
25 testing provision proven to be effective on other BLM

0056

1 lands?

2 The alcohol ban and curfews are not
3 necessary and may prove to be problematic. As an
4 elected official, I caution against imposing rules and
5 regulations that are going to be difficult, if not
6 impossible, to enforce.

7 It would be far better to continue to
8 enforce existing DUI statutes and cite and remove those
9 few problem drinkers.

10 As for the curfew on favorite hills,
11 night activities are part of the dunes experience. What
12 do you anticipate these folks will do instead during the
13 evening hours? Idle hands tend to find mischief.

14 And I am nonplused to comment on the PM
15 10 and wind restrictions. This is a sand dunes. The
16 wind blows. Let's be practical.

17 It is obvious that any activity that
18 draws the tens of thousands of people we are seeing
19 using the Imperial Sand Dunes is a perfect example of
20 public lands being enjoyed by the public. Those folks
21 who want the wilderness experience have 27,000 acres to
22 hike in the North Algodones Wilderness Area. Those who
23 want the unique experience of off-road riding in the
24 dunes should have a similar opportunity.

25 MR. LEWIS MICHAELSON: Ms. Shipp.

0057

1 MS. LUCY SHIPP: I have one sentence. We look
2 forward to your wisdom in finding the appropriate
3 balance between sustaining this unique environment and
4 allowing the public to have access to enjoy their public
5 lands. And I thank you.

6 MR. LEWIS MICHAELSON: I don't see anyone
7 sitting in the front row. So I am not quite sure
8 whether maybe some of those people left or maybe they
9 were just being respectful of Ms. Shipp. So I will read
10 those names again. Les Bandimore, Jerry Hinkle, Junior,
11 Marie Pierce, C. Page Webster and one more, Jere Allan.

12 Les Bandimore, you are next. Thank you.

13 MR. LES BANDIMORE: Thank you. I ain't got
14 much to say, but the milk weed is what we call it on the
15 farm and you couldn't -- hogs wouldn't eat it, but it
16 does break out and it leaks real good white stuff and
17 it's sticky and they ought to make tires out of it. It
18 might be pretty good for that.

19 But anyway, remember old Nixon? The old
20 farts here? Anyway, Nixon was on the TV and he says: I
21 appoint Nelson Rockefeller the head of all clean air and
22 clean water. And, of course, that passes on to the
23 Rockefeller family, which old John in the 1800's started
24 the BLM with a million dollars. I just wanted to give
25 you a little history.

0058

1 But as far as the milk weed, it should be
2 more respectable -- have more respect along with the
3 animals and the lizards and stuff out there than to even
4 pick something like the dunes. I think they are just
5 investigating to see how bad it is and then the night
6 they probably go home.

7 But anyway, if somebody wants milk weed,
8 I'll bring them a truckload from Minnesota, Kansas,
9 Nebraska, any place back there. But if the farmers are
10 caught with milk weed, leafy spurge or anything on their
11 farm, they are fined and they will either eradicate it
12 themselves or have it done.

13 Thank you.

14 MR. LEWIS MICHAELSON: Thank you. Significant
15 number of these cards may have been turned in after we
16 began the public commenting process. So just as a quick
17 reminder, if you not aware, the first time limit is two
18 minutes and then you can have a second helping. To help
19 you find a comfortable place to wrap up your comments, I
20 will hold this up when you have 30 seconds left in your
21 two minutes. Okay. Thank you.

22 Jerry Hinkle, Junior.

23 MR. JERRY HINKLE: Hello. My name is Jerry
24 Hinkle, Junior. That's H-I-N-K-L-E. I am a member of
25 the community here and been using the dunes since I was

0059

1 a child.

2 I wanted to direct my comments strictly
3 to the EIS. I wanted to express my support for Option
4 Four.

5 I want to express that I am opposed to
6 the Adaptive Management Areas for two reasons. First of
7 all, the limit of 525 OHV'ers is not supported by any
8 specific study. It appears to be an arbitrary number.

9 Second of all, the enforcement of the
10 numbers of people in that area would require the
11 classification of U.S. Citizen as either OHV'ers or not
12 OHV'ers and then requiring them to get a permit and
13 limiting their use of the land based on that
14 classification, which I believe to be unconstitutional.

15 I am in favor of the increased law
16 enforcement that we have experiencing recently. I think
17 it has helped to make it a safer place for my family.
18 However, I am completely opposed to the sunset to
19 sunrise riding ban. I don't think it's necessary
20 whatsoever.

21 I want to thank the panel for not
22 including the temporary closures in the RAMP. I think
23 that was very important.

24 I also do not support the limits of
25 vendors that are contained within the RAMP. Vendors out

0060

1 in the dunes area are necessary.

2 I am completely opposed to the limit of
3 55,000 people as a trigger. I think that needs to be
4 adjusted or removed.

5 And also I noticed that the Economic
6 Impact Study does not consider economic impact outside
7 of Imperial County. I think you see the turnout here,
8 the number of businessmen here that Yuma County and
9 other outlying areas should be taken into effect.

10 That's all I wanted to say.

11 MR. LEWIS MICHAELSON: Thank you. Marie
12 Pierce.

13 MS. MARIE PIERCE: Hi. My name is Marie
14 Pierce. I am a proprietor, I am a vendor at the dunes
15 and I have been there 14 years. I just turned over to
16 Clark the second of my installment of over 1500
17 signatures in the last two weeks. It says that they
18 would like vending to be available seven days a week.

19 The reason for this and in the BLM's own
20 words, 43 CFR 8300 -- it says that the BLM is required
21 to provide for safety in the dunes. And I think safety
22 equipment, antennas, helmets, things like that are
23 really important. People don't want to be stuck in the
24 dunes. People need to have access to safety equipment.
25 And that's what I do; that's what I sell. We do

0061

1 repairs, welding. We don't want someone out there with
2 a cracked frame when it could be fixed and they could be
3 safe. Just makes sense.

4 I don't know why that would have been put
5 in there in the first place. Maybe it's the eight times
6 in there I read it. It said it was in response to
7 nearby neighbors. We all know who that is.

8 Other problems. I do have in my hand a
9 picture of the Gecko facilities. It doesn't have the
10 Gecko vendor pad on there. It has the Glamis Store, but
11 I would like to have the Gecko vendor pads. It doesn't
12 have to say "Sweet Marie's" on there, but the Gecko
13 vendor pads should be on there. So if we could make a
14 note.

15 My husband did ask Lynette last week why
16 it wasn't on there and she said: Well, they didn't have
17 room to put it on there. So if we could make a note;
18 please include that. I think it's really important.

19 We think our children are the most
20 important endangered species. So we want to take care
21 of them in every way we can. I do have a photo also; I
22 will submit it.

23 Camping is not vending, vending is not
24 camping. There is no 14-day limit and that's in your 43
25 CFR 29 21-1; special use permits can be up to three

0062

1 years.

2 Thank you.

3 MR. LEWIS MICHAELSON: Thank you. C. Page
4 Webster.

5 MR. PAGE WEBSTER: Good evening. My name is
6 Page Webster and I'm the Executive Director of the
7 Greater Yuma Economic Development Corporation. Many
8 people have stated what the economic impact is to the
9 region. Whether it's 13 million, 15 million, we are not

10 specifically sure, but you have to look at the
11 multiplying effect if we are going to talk different
12 terminologies.

13 Multiplied effect is how much that dollar
14 revolves within the region. And here in Yuma County it
15 revolves approximately three times before it leaks out
16 of the economy. So if it's a 15 million dollar impact
17 to the community, it revolves three times within the
18 region.

19 Many people have talked about they're not
20 being here to present to you tonight because of the fact
21 that they are working two jobs. Again, we do have a
22 very high unemployment and we know that these
23 individuals that are working use the sand dunes area.

24 We also do recruitment in our office. We
25 are looking at organizations that are looking at

0063

1 expanding or relocating to the Yuma region and some of
2 the questions from the CEO's, executives of these
3 different corporations is: What is the quality of life
4 in Yuma County?

5 We would sure like to continue to enhance
6 or show that a piece of the quality of life that an
7 individual can take part of in this desert/Pacific
8 region would be at the sand dunes.

9 And with that, I appreciate your time for
10 coming to Yuma County and listening to us and please
11 let's keep the sand dunes open. Thank you.

12 MR. LEWIS MICHAELSON: Next speaker is Jere
13 Allan. He will be followed by Pat Flanagan, Jack
14 Choate, Randy Arms, Senior, and Duane Ramsay. So if you
15 would please come sit up in the speaker waiting area up
16 here. Thank you. Mr. Allan.

17 MR. JERE ALLAN: My name is Jere Allan and I
18 represent the Recreation Sports and Business Association
19 and we are nationwide organization. Members as far east
20 as Key West, Florida and New York. And we are certainly
21 against any more closures of the desert.

22 I attended a meeting of the BLM's
23 Commission in El Centro on the 8th of December and three
24 of your own scientists got up and admitted that they
25 don't know anything about the tortoise and it would take

0064

1 about 20 years for them to study and learn anything more
2 about it than that it is in a state of decline and that
3 of the 100 percent that are declining he says less three
4 percent is affected by human and animal access.

5 The Pearson's milk vetch, as you know,
6 there is a petition before the court to remove it from
7 the Endangered Species list because separate biological
8 studies have proved that it's not endangered at all.

9 The desert horn lizard; the Fish and
10 Wildlife doesn't know much about the life cycle of the
11 desert horn lizard other than the fact that they lay
12 small clutches of eggs.

13 Let me assure you, gentlemen, that the
14 desert horn lizard buries live young and I am standing

15 before you as a witness. I watched a momma bear 13
16 babies.

17 And the Mojave Preserve is another
18 project that is underway. I want to read to you a quote
19 from Mary Martin, who's a member of the National Park
20 Service having to do with that. And this is a quote.
21 It says: "It is important to note that the species of
22 wildlife you are specifically mentioned survived in the
23 desert with no assistance from humans for thousands of
24 years prior to the installation of livestock watering
25 tanks. Populations occurred in natural densities with

0065
1 appropriate and natural distributions and experienced
2 increases and declines in accordance with the
3 availability of resources."

4 That's rocket science, gentlemen.
5 And then it does appear that money
6 talks. And this will be my final comment. The Fish and
7 Wildlife Service has concluded that a proposed water
8 storage and retrieval project in the Mojave Desert would
9 not endanger the federally protected desert tortoise.

10 MR. LEWIS MICHAELSON: Mr. Allan, I am sorry.
11 Your time is up.

12 MR. JERE ALLAN: Okay.

13 MR. LEWIS MICHAELSON: Thank you. I have had
14 people start turning in cards to me for wanting a second
15 time to speak. If you would like to step out and fill
16 out one of those cards, now would be the time to do
17 that. Also if you have not had the opportunity to speak
18 for the first time and you have been inspired to do so,
19 please fill out a card as soon as possible before we
20 start, as I said, into the second helpings.

21 PAT FLANAGAN: I'm Pat Flanagan and I
22 represent the California Wilderness Coalition. And I am
23 in the process of writing comments, but I felt -- just
24 to help a little with the density, that I would get up
25 and make a few preliminary comments to my written

0066
1 comments.

2 I am sorry that the court-mandated
3 closures were removed from the plan because I think that
4 has created quite a lot of stir that has clouded a
5 number of issues. I applaud your adaptive management
6 strategy and the permitting system. Those of us who go
7 back as far as the 1970's using wilderness areas have
8 accepted permitting as a way to keep the mountainous
9 areas that we hike in beautiful and as pristine as
10 possible.

11 I don't really know whether or not you
12 can equate the types of groups that do off-roading with
13 hikers and probably you can't and maybe there needs to
14 be an adjustment of numbers as to how that's done, but I
15 think that in the long run permitting is an important
16 event when you have so many people continuing to use an
17 area and the biological footprint of this recreational
18 activity is very large and there needs to be buffering
19 around that area in order for the species that live

20 within to have a viable system.

21 I think that is all my comments for the
22 moment. Thank you.

23 MR. LEWIS MICHAELSON: Jack Choate.

24 MR. JACK CHOATE: My name is Jack Choate and I
25 am a newcomer to Yuma. I didn't get here until 1940 and

0067

1 so my father-in-law got here in '29. So I'm a
2 newcomer. And I grew up walking out in the desert by
3 myself. Of course, I didn't have a car when I was seven
4 years old, so I spent a lot of time out in the desert.

5 And I got really interested in the desert
6 and what I got interested in was the El Camino Diablo
7 Trail and I tried my best to find that. I could find
8 the watering holes that they mentioned on it, but I
9 could not find the trail.

10 So here a couple years ago I asked the --
11 a historian for the area. She works for the government;
12 archeologist. And I said: Where is it? She said: We
13 don't know. I mean, iron wheel wagons went across the
14 desert. That was a major trail. It can't be found
15 today. The desert recovers. It's not as delicate as
16 people say it is.

17 And here about six -- seven months ago my
18 wife and me went out to Dateland. We turned north and
19 we was going out through the desert. I wanted to find
20 where Patton drove all of his tanks out there, the two
21 and a half ton trucks pulled the canons and they pretty
22 well destroyed that desert out there. And I could not
23 find any trace of them being out there whatsoever.

24 The desert completely recovered. The
25 only trace I found was two 30-06 cases, military blanks

0068

1 marked "1942". That's the only thing I could find out
2 there.

3 The plants they run over all
4 regenerated. So I perceived that this whole thing is:
5 The desert is so delicate, that we are going to destroy
6 it. Man cannot destroy this desert. It's -- you kill
7 one plant, if it's a good place, another one will grow
8 right by it.

9 So I say this closing of the dunes is
10 ridiculous.

11 MR. LEWIS MICHAELSON: Randy Arms, Senior.

12 MR. RANDY ARMS: Hello. My name is Randy
13 Arms, A-R-M-S. And I live in Imperial Valley and I have
14 been going out to the Imperial Sand Dunes for over 35
15 years.

16 Now that I am a father to three boys,
17 Randy, ten; Sean, eight; and Devon, seven. We
18 frequently go out to the dunes in my 4x4 truck as a
19 family. I tell my children the dunes are the world's
20 largest sandbox for all ages to enjoy.

21 I am here not only to talk about what my
22 family might lose for enjoyment, but the economic affect
23 our county and Yuma and surrounding cities would
24 experience if there is a reduction in usage of our

25 dunes.

0069

1 Speaking for myself and other business
2 owners of the Imperial Valley and Yuma, our survival is
3 dependent on the money that the off-roaders spend while
4 visiting the area. For example, restaurants, gas
5 products, beer, ice, sodas, tires, parts for vehicles,
6 the list could go on and on. If there is a reduction in
7 usage of the dunes, we would see unemployment go up,
8 which we fought so hard to reduce. Small businesses
9 would close and loss of not only tax revenues from
10 businesses, but ordinary spending will reduce.

11 As appointed representatives of our
12 government, please remember the communities in which you
13 are to represent and enhance by you serving in your
14 position.

15 Thank you. Please support our local
16 growth.

17 MR. LEWIS MICHAELSON: I have two more
18 speakers speaking for the first time. Again, if you
19 would like to speak and have not yet done so, please
20 fill out one of the green cards so that I can get you
21 into the first speaking group.

22 The next speaker is Duane Ramsay. He
23 will be followed by Stephen St. Pierre.

24 MR. DUANE RAMSAY: Yes, Duane Ramsay.
25 D-U-A-N-E R-A-M-S-A-Y. I'm kind of spur of the moment

0070

1 on the talk. I had a chance to talk with a FFA
2 coordinator -- Future Farmers of America coordinator
3 here at one of the local high schools. And this problem
4 came up about the milk vetch plant and we kind of talked
5 about it and tossed it around and some solutions came up
6 that through both donations and volunteer work, I
7 believe that if people -- enough people here in Yuma
8 would get together, they could probably go out and we
9 could get a propagation system in place for this milk
10 vetch plant that's so precious. That we would grow it.

11 That the FFA groups here in town --
12 there's three high schools, that have three groups, all
13 three have greenhouses and we are operating one. And we
14 could get the other two running and we would dedicate
15 quite a bit of our time and efforts to growing this
16 plant.

17 Clean out the back of your 4x4 vehicles
18 out there that -- take the lights off, take the -- your
19 rangers and unstrap the gun belts and load these milk
20 vetch plants in the back of those trucks, hand these
21 guys some shovels, get these people here from the
22 Biological Diversity Organization or whatever they are
23 representing, hand them shovels and get them out there
24 and plant these plants that we grow at wherever place
25 that is designated a growing area for them now in the

0071

1 local area -- Algodones area.

2 I imagine we could probably produce at
3 least 400 or 500 milk vetch plants in a season, maybe

4 more.

5 I think most of the people in Yuma here
6 are interested in taking good care of the dunes. They
7 take care of the -- pick up trash. There are several
8 business people here in town that have volunteered their
9 time and voluntarily gone out and cleaned these places
10 up before.

11 I think as with any sports activities,
12 there is always rowdies and there is always drunks and
13 there's always troublemakers; whether it's sporting
14 events or down at the dunes, there's always that bunch.
15 And they will always need to be policed. I think they
16 are doing an admirable job of it, but six months out of
17 the year the rangers wouldn't have that much to do and
18 neither would these people here that are complaining how
19 we are tearing it up.

20 Hand them a shovel, whether it's July or
21 it's December, and they can start planting plants.

22 MR. LEWIS MICHAELSON: Thank you, Mr. Ramsay.

23 MR. STEVEN ST. PIERRE: Steven St. Pierre.

24 S-T. P-I-E-R-R-E. That's two words. To the panel I
25 just want to say thanks for the opportunity to let us

0072

1 voice our concerns. I'm a local law enforcement agent
2 here in Yuma County and I work side by side with the BLM
3 Rangers on big holiday weekends and I understand what
4 they are going through out there.

5 My concern is that I believe with the
6 stepped-up policing out there that we are going to keep
7 these -- keep a lot of the bad seeds -- they are going
8 to get the point and they are not going to come out.

9 As far as the curfew goes, I don't
10 necessarily agree with that. I like to see the policing
11 that's in effect.

12 I think you are going to get a lot more
13 people that are going to be upset with the fact that
14 being told what they can and can't do and where they can
15 and can't go. It's just going to spur more problems.
16 And like I said, with the stepped-up policing that's
17 been done, I think people get the point that, you know,
18 it's not a free-for-all out there anymore.

19 So as far as the riding areas go, you
20 know, I would like to see everything stay open. I have
21 been going out to the dunes for 26 years. I can't
22 remember a year that I haven't been out there and I
23 still ride out there with my dad. So I would just like
24 to be able to take my kids out there one day.

25 So I think, you know, it can't be

0073

1 strongly emphasized enough that the voices from everyone
2 here tonight -- or at least a majority, the 98 -- 99
3 percent of the people here that are in favor of keeping
4 everything open. I just would like to hope that the
5 panel sees that and keeps it open. Thanks.

6 MR. LEWIS MICHAELSON: That exhausts all of
7 the people who have indicated a desire to speak for the
8 first time. So we will take a five-minute recess for

9 the court reporter. Any one else that would like to
10 fill out a card, please do so in the next five minutes
11 and we will start with the five-minute terms. Thank
12 you.

13 (Brief recess.)

14 MR. LEWIS MICHAELSON: We are ready to start
15 again. Please, we would really like to get started. I
16 will read the names again of those who have signed up to
17 speak. Larry Nelson, Mayor, City of Yuma; John Colvin,
18 James Underhill and John Fugate. Thank you.

19 And while this is the Mayor's first turn,
20 since he is in the five-minute category, you can go five
21 minutes.

22 And I won't hold this up until you've
23 talked for four minutes and 30 seconds. So I bet I
24 don't even have to use it.

25 MR. LARRY NELSON: I don't think I'll need

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1 that much time. First of all, I want to thank all of
2 you for being here tonight. I think it's very special
3 that you come out and hear the people of these
4 communities and what their concerns are.

5 The second thing, the point that I would
6 like to make, is the economic impact that the sand dunes
7 have on our communities. You know, it's significant.
8 It's up in the hundreds of millions of dollars. So it's
9 a major concern that we have in the economic
10 standpoint.

11 But probably one of the most important
12 things to consider is the fact that it's a great family
13 opportunity. It really is. It's a tremendous place for
14 the families to get together. I've been out there with
15 my sons and enjoyed them. I've only been in Yuma for 20
16 years and I look like I'm too old to ride one of those
17 buggies, but I do and I enjoy it thoroughly.

18 And the beautiful part that I see of this
19 is it's a chance for the families to be families and to
20 be together doing something that brings them together.

21 Finally, the point that I would like to
22 make is on the ecosystem. For, indeed, this is a very
23 unique ecosystem that we have out in the sand dunes.
24 It's like taking the City of Scottsdale, Arizona and
25 planting it in the sand dunes on a Thanksgiving weekend,

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1 virtually. They are about the same size, about the same
2 number of people in attendance. But you know what?
3 When a sandstorm comes by the next day, that ecosystem
4 has totally repaired itself and it's back to where it
5 was before the City of Scottsdale arrived on that scene
6 that day.

7 I think that the main point that we have
8 found is that the milk vetch is doing well and it's
9 thriving and it doesn't matter whether it's had the
10 ATV's going over, it doesn't matter whether you have
11 walked over it, it doesn't matter if it's been roped off
12 and not been able to tread on it at all. It still
13 thrives and thrives well.

14 So I would encourage the opening of the
15 sand dunes for all of the above reasons, but most of all
16 because of family. Thank you.

17 MR. LEWIS MICHAELSON: John Colvin.

18 MR. JOHN COLVIN: Definition; it was given by
19 one speaker. That preservation is preserving
20 something. Just that. Don't touch it, don't fool with
21 it. Conservation is to use a resource, particularly a
22 living resource.

23 The Center for Biological Diversity
24 website was referred to here and the word "conservation"
25 was used several times in that website. I read the

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1 website to some extent; got puking. Because they are
2 using that pretext to get conservation and we are going
3 to keep doing it and keep doing it and keep doing it,
4 closing, closing, closing and pretty soon we are going
5 to have to have a damn permit to get out our front
6 door. It's going to be almost that serious.

7 And we get into the thing of you have an
8 action and a reaction. The preservationists kept the
9 riverbed closed in '80, '81, '82. We had a flood in
10 '83. All the stuff they were preserving went down to
11 Mexico and into the gulf. That's not very good
12 conservation for something that could have been
13 conserved had it been managed properly.

14 Then in about the year 2000, I think,
15 with all the wilderness that's been established and the
16 restrictions that have been put on people to get in
17 there and do something with it in a conservation sense
18 like proper forestry, a few firebreaks and right on down
19 the line with management after they've first inventoried
20 what they have and then they monitor how they are
21 operating, that we wouldn't have lost six million acres
22 of that stuff.

23 And I was out to the sand dunes about a
24 month ago and I looked around and I found a couple of
25 blooms that were on a vetch plant -- or three or 12. I

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1 don't remember. I didn't count them; didn't make any
2 attempt. But the stuff was doing okay and it hadn't
3 rained here very much. I think our -- I say "here", out
4 at the sand dunes it may be a flood out there. Here we
5 have had .07 inch this year, which barely sustains much
6 vegetation. And the vetch went ahead last weekend, just
7 three weeks later, and made seed. Those little pods had
8 seed. You can feel them. You don't want to bring them
9 because somebody will be out there raising hell with
10 you, but there were some that had matured enough that
11 the pod itself broke. And here's maybe half a dozen or
12 six or eight seeds laying right there on the ground
13 because they were freshly broken.

14 And a good way to move those around and
15 get that stuff scattered, it's just like with kokoburrs
16 in a cow pasture. Let the old cow get a few of them in
17 her tail and she'll switch and pretty soon you have got
18 the darn stuff all over your farm. And that's true with

19 anything. Tumbleweeds are the same way. You have got
20 to have some way to get it dissipated. And if you are
21 going to distribute the milk vetch into a place that had
22 been put into already, you don't have to go out there
23 and propagate it. It will do itself and it seems to be
24 doing pretty well on .07 inch rain.

25 So if we have a rain like we got back in
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1 -- I say "a rain", several rains -- back in 1964 and
2 '65. I was all over the south half of those dunes in a
3 Volkswagen Bug. It just is a different ball game when
4 you have that and you have got the desert lily, all of
5 it. It's all out there. All you need is the rain.

6 One thing I would like to close with and
7 this is the real problem that we are faced. Is that's
8 management of the people. People management at places
9 like Grand Canyon, the national parks, Yellowstone; it
10 gets pretty hard to handle. Because people are going to
11 come in and they are going to -- they are going to do
12 what they want to do.

13 Here's where we need to really encourage
14 not only our legislators to relax some of these
15 stringent environmental controls, but to encourage some
16 pretty stiff penalties on violators of our environment
17 itself.

18 And thanks again for coming down.

19 MR. LEWIS MICHAELSON: James Underhill.

20 MR. JAMES UNDERHILL: Jim Underhill. My lack
21 of understanding of the total process we are going
22 through right now prompted me to come up just for one
23 last comment. And that is the written comments, which
24 people behind me must understand, any written comment
25 you can produce in their box out here or mail in is very

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1 important, I understand. The format here doesn't allow
2 me to ask questions. My question would be on record.
3 If an adverse -- in other words, someone that wanted to
4 close the sand dunes down to whatever extent sent
5 several hundred or thousand E-mails or written documents
6 to the BLM within the next process time, are those just
7 as viable and important to the BLM as the people you
8 have heard tonight? If they are, that could be produced
9 probably -- you know, I hate to pick a name. So I will
10 just say "they".

11 If they are poised and ready with 10,000
12 letters to send to you people why we need to protect the
13 milk vetch, then what good does those 300 people tonight
14 do if it's 10,000 to 300?

15 So I just want to go on record saying I
16 hope you understand that people that took the time out
17 of their busy schedules to show up tonight to protect
18 their community and voice their concerns have a lot more
19 weight than an E-mail from Oklahoma or New York.

20 MR. LEWIS MICHAELSON: Thank you, Mr.
21 Underhill. I think it's probably safe to clarify as
22 Lynette Elser said in her opening statements, that in
23 terms of commenting, it is not a popularity contest.

24 They are looking at the substantive nature of the
25 comments and, you know, 100 comments to say the same

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1 thing is still the comment.

2 MR. JAMES UNDERHILL: Thank you.

3 MR. LEWIS MICHAELSON: Yes. The next speaker
4 is John Fugate.

5 MR. JOHN FUGATE: Hi. I'm John Fugate. First
6 of all, I would like to start back in. I was trying to
7 stay under two minutes awhile ago and I would clearly
8 like to thank the BLM, the panel, you, Mr. Chairman, for
9 the opportunity for public comment tonight and I just
10 like to carry on where Jim left off.

11 And this letter dated April 21st and this
12 comes from the "they's". I'll just keep it that way
13 too. I got a copy of it; I'll give it to you after it's
14 over.

15 It says: "Conservationists" -- and they
16 surely aren't those, they are preservationists -- "have
17 never moved to close all the dunes to ORV's, and we do
18 not have that intention. But if the BLM Draft Plan goes
19 through to reopen all the currently protected areas, we
20 may have no other legal option but to move for complete
21 dune closure, which is not what we want to do."

22 Well, what they ought to be doing is
23 standing here like me trying to offer you some rationale
24 on what is the proper way to manage the sand dunes from
25 this point forward. But what I am reading here in their

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1 letter is if they don't get what they want, which is
2 probably more restrictive than the most restrictive
3 alternative you have proposed, you will see them in
4 court again. They will find something.

5 Again, if you don't clean up your own
6 camp and those that want to provide them with things
7 that provide loopholes that may put you in that
8 predicament again. I stress that point. But
9 nevertheless, it will probably happen. And if we stay
10 within the process, you dot every "i", you cross every
11 "t", come to some type of consensus, I don't think
12 they will win in court the next time.

13 And it's my understanding that the
14 majority -- let's see if I can say this right. The
15 majority of decisions made in the 9th Circuit Court are
16 not upheld in the higher courts. So something for us to
17 look forward to should we have to go that far and I can
18 tell you on this issue somebody is going to find
19 somebody with enough money to do that if we need to.

20 We are led to believe in the Executive
21 Summary of the Draft EIS that the original environmental
22 concern towards the milk vetch plant may continue to be
23 an issue. We firmly believe this issue has little, if
24 any, merit left. I would strongly urge BLM to focus on
25 the real issue regarding the dunes, which is safety and

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1 law enforcement capabilities. And it's only a
2 significant issue during the major holiday weekends.

3 I would urge BLM to demonstrate an
4 emphasis upon facts and data that can result in
5 consensus amongst the majority of the public land users;
6 particularly when this is when serious issues are
7 significant.

8 Although BLM says in their Executive
9 Summary that they have yet to determine which of the
10 four would be the preferred, we have learned tonight
11 that it would probably be Number Two. I hope that it
12 isn't. I would say that I would hope that as a result
13 of public testimony, BLM takes the no-action alternative
14 or Alternative One and modified it to become the
15 preferred alternative.

16 Quite simply, BLM needs to increase
17 enforcement personnel and infrastructure during the
18 major holidays and enforce all existing laws and
19 restrictions. This will quickly separate appropriate
20 users from those who choose to be inappropriate.

21 The only other modification necessary to
22 Alternative One would be to provide an emphasis on
23 monitoring, showing how an appropriate increase in
24 enforcement will minimize significant adverse impacts
25 caused at the dunes.

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1 And I won't go through all the issues
2 that are proposed in Alternative Two. I think everybody
3 tonight has done that more than once.

4 One other thing here. Quite simply, with
5 an adequate enforcement presence at the dunes, you would
6 significantly reduce the concerns from being
7 unmanageable to being managed appropriately. We don't
8 need more restrictions. We need more presence of those
9 who are responsible to enforce the existing laws and
10 restrictions. This will ensure compliance in a manner
11 that is practical and beneficial to everyone.

12 Thank you.

13 MR. LEWIS MICHAELSON: That exhausts the
14 speaker cards that have been turned in. Could you check
15 to see if anymore have been turned in since we started?
16 If I can make sure anyone who has not had a chance to
17 speak, that we do that before we take closing comments
18 from Roxie Trost. Okay. Thanks very much.

19 With that then, I would like to invite
20 Ms. Trost to offer closing comments.

21 MS. ROXIE TROST: Thank you all for all your
22 comments tonight. Something I wanted to touch on is I
23 hope that we made it all real clear that this is a
24 proposed alternative. That all of our presentations
25 were if the Draft Recreation Area Management Plan and

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1 the Proposed Preferred Alternative in the Draft
2 Environmental Impact Statement were to be implemented.
3 And we know we have a long ways to go with that. And
4 your comments tonight and comments from previous
5 meetings are going to help us get there and we really
6 appreciate the turnout that we had here. And the folks
7 from Yuma have been very respectful and thank you for

8 that.
9 The transcripts from tonight's meeting
10 along with the power point presentation will be
11 available on the BLM website in a few weeks. And I
12 guess if your TV is broken or you just want to share
13 that power point presentation with your friends and
14 neighbors, it will be available for you all to do that.
15 Also, if you were timid and you didn't
16 want to speak tonight in the public forum, written
17 comments are just as valid as the public comments
18 tonight. Also there is an E-mail address and we can
19 accept your comments that way as well.
20 We will also be in San Diego on Thursday
21 and that will conclude our six public hearings for the
22 Imperial Sand Dunes. And the comment period is still
23 open until June 28th.
24 Thank you for having us here tonight and
25 please drive safely on your way home. Thank you.

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1 MR. LEWIS MICHAELSON: We are adjourned.
2 (That complete the proceedings for this
3 date. Meeting was adjourned at 10:00 p.m..)
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4 I, CHRISTINE ANNE HARRINGTON, having been
5 duly appointed as official court reporter herein, do
6 hereby certify that the foregoing pages numbered 1
7 through 86 inclusive constitute a full, true and
8 accurate transcript of all proceedings had in the above
9 matter, all done to the best of my skill and ability.
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CHRISTINE ANNE HARRINGTON
CERTIFIED COURT REPORTER
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